

Assembly Bill No. 2238

CHAPTER 621

An act to amend Section 6254.21 of, and to add Section 6254.24 to, the Government Code, and to amend Section 146e of the Penal Code, relating to public officials.

[Approved by Governor September 17, 2002. Filed
with Secretary of State September 17, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, Dickerson. Public Safety Officials Home Protection Act.

Existing law prohibits any state or local agency from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

This bill would, in addition, prohibit any person from knowingly posting the above information of any elected or appointed official, as defined, or the official's residing spouse or child, on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur, or threatening to cause imminent great bodily harm, to that individual. The bill would include public safety officials, as defined, within the list of covered officials. This bill would make a violation of these provisions a misdemeanor, and would make the violation a misdemeanor or a felony if it leads to the bodily injury of the official or his or her residing spouse or child. By creating new crimes, this bill would impose a state-mandated local program.

Under existing law every person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer, nonsworn police dispatcher, or employee of a city police department or county sheriff's office, or that of the spouse or children of these persons, whether living with them or not, while designating the peace officer, nonsworn police dispatcher, or relative of these persons as such, without the authorization of the employing agency, is guilty of a misdemeanor.

This bill would include with the intent or threat to inflict imminent physical harm in retaliation for the due administration of the laws in the above prohibition, and would include public safety officials, as defined, among the list of those who may not have their information published. It would prohibit disclosure of the addresses and telephone numbers of only the spouses and children residing with the specified persons.

Because this bill would create a new crime, it would impose a state-mandated local program.

The bill would create an advisory task force to determine how to protect a public safety official's home information. The task force would be chaired by the Attorney General and would be comprised of various representatives from law enforcement, the legal community, and the business community. The bill would require the task force, by September 1, 2003, to file a report with the Legislature on, among other things, how to protect a public safety official's home information.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Public Safety Officials Home Protection Act.

SEC. 2. Section 6254.21 of the Government Code is amended to read:

6254.21. (a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child on the Internet knowing that person is an elected or appointed official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) For purposes of this section "elected or appointed official" includes, but is not limited to, all of the following:

- (1) State constitutional officers.
- (2) Members of the Legislature.
- (3) Judges and court commissioners.
- (4) District attorneys.
- (5) Public defenders.
- (6) Members of a city council.
- (7) Members of a board of supervisors.
- (8) Appointees of the Governor.



(9) Appointees of the Legislature.

(10) Mayors.

(11) City attorneys.

(12) Police chiefs and sheriffs.

(13) A public safety official as defined in Section 6254.24.

(d) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

SEC. 3. Section 6254.24 is added to the Government Code, to read: 6254.24. As used in this chapter, “public safety official” means the following:

(a) An active or retired peace officer as defined in Sections 830 and 830.1 of the Penal Code.

(b) An active or retired public officer or other person listed in Sections 1808.2 and 1808.6 of the Vehicle Code.

(c) An “elected or appointed official” as defined in subdivision (b) of Section 6254.21.

(d) Attorneys employed by the Department of Justice, the State Public Defender, or a county office of the district attorney or public defender.

(e) City attorneys and attorneys who represent cities in criminal matters.

(f) Specified employees of the Department of Corrections, the California Youth Authority, and the Prison Industry Authority who supervise inmates or are required to have a prisoner in their care or custody.

(g) Nonsworn employees who supervise inmates in a city police department, a county sheriff’s office, the Department of the California Highway Patrol, federal, state, and local detention facilities, and local juvenile halls, camps, ranches, and homes.

(h) Federal prosecutors and criminal investigators and National Park Service Rangers working in California.

(i) The surviving spouse or child of a peace officer defined in Section 830 of the Penal Code, if the peace officer died in the line of duty.

SEC. 4. Section 146e of the Penal Code is amended to read:

146e. (a) Every person who maliciously, and with the intent to obstruct justice or the due administration of the laws, or with the intent or threat to inflict imminent physical harm in retaliation for the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer, nonsworn police dispatcher, employee of a city police department or county sheriff’s office, or public safety official, or that of the spouse or children of these persons who reside with them, while designating the



peace officer, nonsworn police dispatcher, employee of a city police department or county sheriff's office, or public safety official, or relative of these persons as such, without the authorization of the employing agency, is guilty of a misdemeanor.

(b) A violation of subdivision (a) with regard to any peace officer, employee of a city police department or county sheriff's office, or public safety official, or the spouse or children of these persons, that results in bodily injury to the peace officer, employee of the city police department or county sheriff's office, or public safety official, or the spouse or children of these persons, is a felony.

(c) For purposes of this section, "public safety official" is defined in Section 6254.24 of the Government Code.

SEC. 5. (a) An advisory task force shall be created to determine how to protect a public safety official's home information. The task force shall be chaired by the Attorney General and shall be comprised of representatives from the following:

(1) Interested state enforcement entities, including, but not limited to, the Department of Justice, the Department of the California Highway Patrol, and the Office of Privacy Protection in the Department of Consumer Affairs.

(2) The judicial community.

(3) The legal community, including, the district attorneys and public defenders.

(4) The state recorders and assessors.

(5) The business community involved in real estate transactions.

(b) The task force shall prepare a report of its findings that, among other things, includes a comprehensive plan on how to protect a public safety official's home information, definitions of those comprising public safety officials, and other information or proposals that may be necessary to carry out this act. This report shall be filed with the Legislature no later than September 1, 2003.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

